

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>TYLER ERDMAN,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;"><i>-against-</i></p> <p>ADAM VICTOR and THE BOARD OF MANAGERS OF MANHATTAN PLACE CONDOMINIUM,</p> <p style="text-align: right;"><i>Defendants</i></p>	<p style="text-align: center;">Case No.: 1:20-cv-04162-LGS</p> <p style="text-align: center;">DECLARATION OF JOHN F. WHELAN IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS</p>
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Pursuant to 28 U.S.C. § 1746, **JOHN F. WHELAN**, declares, under the penalty of perjury, the following to be true:

1. I am associated with Schlam Stone & Dolan LLP, counsel to Adam Victor ("Victor"), a co-defendant in the above-captioned action. I submit this Declaration in support of the consolidated motion by Defendants Victor and the Board of Managers of the Manhattan Place Condominium (the "Board") to dismiss the amended complaint ("Amm. Compl.") filed by *pro se* Plaintiff Tyler Erdman ("Plaintiff" or "Erdman"), or, in the alternative, pursuant to FRCP 12(f) to strike scandalous and impertinent statements which Erdman gratuitously inserted into the Amended Complaint.

2. A redacted copy of the Amended Complaint (without exhibits) in the above-captioned action is attached hereto as Exhibit 1. The redactions are made to safeguard information Victor will seek to safeguard in his forthcoming application to seal and is consistent with the Court's November 5, 2020, Order sealing the Amended Complaint filed by Plaintiff pending Victor's the aforementioned forthcoming motion.

3. Attached hereto as Exhibit 2 is an unsigned copy of the May 31, 2019, letter by Adam Victor referenced in Plaintiff's Amended Complaint.

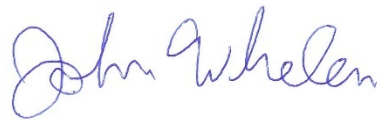
4. Attached hereto as Exhibit 3 is an excerpt from the Amended Verified Complaint, dated September 1, 2016, in *Khatskevich v. Victor et al.*, Index No. 151658/2014 in the Supreme Court of the State of New York, New York County.

5. Attached hereto as Exhibits 4 is an excerpt from the Verified Answer and Affirmative Defenses, dated September 21, 2016, to the Amended Verified Complaint in *Khatskevich v. Victor et al.*, Index No. 151658/2014 in the Supreme Court of the State of New York, New York County.

6. Attached hereto as Exhibit 5 is an excerpt from the Amended Answer to the Amended Complaint and Counterclaims of Tyler Erdman, dated September 8, 2015, in *Victor v. Khatskevich*, Index No. 158981/2014 in the Supreme Court of the State of New York, New York County.

7. Attached hereto as Exhibit 6 is an excerpt from the Answer to Counterclaims, dated September 28, 2015, in *Victor v. Khatskevich et al.*, Index No. 158981/2014 in the Supreme Court of the State of New York, New York County.

Dated: November 9, 2020
Brooklyn, New York



JOHN F. WHELAN